

**From:** [Mariani, Tom \(ENRD\)](#)  
**To:** [Garyg.Miller/R6/USEPA/US@EPA](#); [Barbara.Nann/R6/USEPA/US@EPA](#); [Barbara.Aldridge/R6/USEPA/US@EPA](#); [Chris.Villarreal/R6/USEPA/US@EPA](#)  
**Subject:** RE: Gulfco Timeline (work product)  
**Date:** 03/18/2009 02:41 PM

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Gary:

Thanks for the chance to comment on these timelines and sorry for this delay in my response. Because many of the Tasks are really only EPA's business, my comments don't start until Task 42: Proposed Plan. Tasks 42 through 65 have awfully short timelines, but if you think you can make them that is your call. I mention those only because they relate to the activities that run up to special notice, where I would guess you will be expecting comment or deliverables from DOJ.

First, we certainly can try to go faster than usual on review of Consent Decree and SOW, as suggested by your schedule. The three things we would need for sure to do that, however, would be:

- 1) a Complete Draft ROD [your item ID 57];
- 2) the Pre-referral analysis and attachments that normally accompany and RD/RA to DOJ [sometimes called the PRN, I believe]; &
- 3) draft CD, draft SOW, and draft Special Notice Letter [your item ID 67, 68, 69];

So the best we can likely do is get DOJ's work done within 30 days after we first have all those items in our hands. (So the sooner we get those items the sooner I'd be willing to let the 30-day clock start running.) Then there is likely a little back and forth over whatever changes DOJ proposes. That's close to the Time Line prepared for Items 67 to 72 but I think a little longer than your schedule allows. Also, I don't see the preparation and submission of Item No. 2 on this Timeline but maybe I'm missing it or maybe it's called something else. That could be a big job and would have to be fitted in on a schedule matching delivery of CD, SOW, and SN letter to DOJ. Similarly, if we know in advance when these materials are arriving, then maybe we can shorten this time, but I'm reluctant to go to a shorter time in advance.

Second, on Issuance of Special Notice (item ID 67), I think pushing for a faster schedule is good, but I think some of this schedule is driven by the statutorily-imposed moratorium triggered by invoking special notice.

Third, likely will take more than 30 days to negotiate to a successful conclusion, so this part of the schedule may be just too tight. Also, I don't see time lines for approval and signature by EPA.

Fourth, DOJ approval time is pretty tight but we could try to keep on as tight a schedule as you try for. I would say three weeks from a final signature-ready document is about the best I see for then getting EPA and DOJ signature.

Fifth, on public comment (item ID 76), I think the period needs to be longer even if we get no comments. The notice takes a few days to get into the Federal Register, then we need 30 days notice, and we routinely wait an extra couple days for comments that got hung up in the mail. If there are comments, then more time will be needed. If not, we can move to enter fairly quickly.

Sixth, Entry by the Court: we can estimate whatever we want, and sometimes the court is pretty fast after motion to enter CD (which will take a little time), but the Court's action is outside our control.

Thanks for letting me see this timeline and for the chance to comment. I hope these comments were clear but let me know if I should explain anything further or if there's anything else you sought from me. Thanks. TM cc: All people on Gary's cc list.

-----Original Message-----

From: Miller.Garyg@epamail.epa.gov [mailto:Miller.Garyg@epamail.epa.gov]

Sent: Tuesday, March 03, 2009 5:40 PM

To: Nann.Barbara@epamail.epa.gov; Aldridge.Barbara@epamail.epa.gov;

Mariani, Tom (ENRD); Villarreal.Chris@epamail.epa.gov

Subject: Gulfco Timeline

Folks,

The Gulfco timeline is attached (in Microsoft Project & pdf) - I would appreciate your review & any comments you may have on this at your earliest convenience. (meaning ASAP).

Thanks,

Gary Miller, P.E.  
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(See attached file: Gulfco Accel Sch RD-RA 2-26-09.mpp)(See attached file: Gulfco Accel Sch RD-RA 2-26-09.pdf)